

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LANCE E. SPEAKE,

Plaintiff,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Defendants.

2:11-cv-01653-GMN-PAL

ORDER

Plaintiff has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. On November 17, 2011, the court issued an order denying plaintiff's application to proceed *in forma pauperis* because plaintiff failed to attach a statement of his inmate trust fund account for the six months prior to the filing of his application. (ECF No. 4.) The court allowed plaintiff thirty days to either pay the full filing fee of \$350.00 or file a fully completed application to proceed *in forma pauperis*. (*Id.*)

Plaintiff has submitted another application to proceed *in forma pauperis*. (ECF No. 9.) This application suffers from the same defect as plaintiff's original application. Plaintiff has failed to provide a statement of his inmate trust fund account for the past six months as required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

The court will grant plaintiff one final opportunity to do one of the following: (1) pay the full filing fee of \$350.00, or (2) file a fully completed application to proceed *in forma pauperis*.

IT IS THEREFORE ORDERED that plaintiff's application to proceed *in forma pauperis* (ECF No. 9) is **DENIED**, without prejudice to his filing a new, fully completed application.

1 **IT IS FURTHER ORDERED** that plaintiff shall, within **thirty (30) days** from the date of
2 entry of this order, do one of the following: (1) pay the full filing fee of \$350.00, or (2) file a fully
3 completed application to proceed *in forma pauperis*, on the correct form, including a financial
4 certificate signed by an authorized prison or jail officer and a statement of his inmate trust fund
5 account for the six months prior to the filing of his application.

6 **IT IS FURTHER ORDERED** that if plaintiff does not timely comply with this order,
7 dismissal of this action may result.

8 **IT IS FURTHER ORDERED** that the clerk shall **SEND** plaintiff the approved form for an
9 application to proceed *in forma pauperis* and instructions for the same.

10 **IT IS FURTHER ORDERED** that the clerk shall retain the civil rights complaint, but shall
11 not file it at this time.

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13 Dated this 6th day of February, 2012.

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16 UNITED STATES MAGISTRATE JUDGE
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